

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONTRECE ALEX HOWARD,

Plaintiff,

v.

JUSTINE M. SCHMOLLINGER, et al.,

Defendants.

Case No. [21-cv-05861-JST](#)

ORDER OF DISMISSAL

On or about August 2, 2021, Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 1. That same day, the Clerk of the Court informed Plaintiff that this action was deficient because his *in forma pauperis* application was incomplete. The *in forma pauperis* application lacked his signature, a certificate of funds statement, and a copy of his prisoner trust account statement. ECF No. 3. Plaintiff was instructed to respond within twenty-eight days of the date of the order. *Id.*


On September 9, 2021, the Court granted Plaintiff an additional fourteen days to either pay the filing fee or submit a complete *in forma pauperis* application. Plaintiff was warned that the failure to do so within the time provided could result in dismissal of this action. ECF No. 6.

The deadline has passed, and Plaintiff has not submitted the required documents or paid the filing fee. Plaintiff has also not otherwise communicated with the Court. The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, Plaintiff may move to reopen the action. Any such motion must contain either the full filing fee or a complete *in forma pauperis* application, i.e. the correct *in forma pauperis* application accompanied by both a prisoner trust account statement and a Certificate of Funds in Prisoner's

Account.

IT IS SO ORDERED.

Dated: November 4, 2021



JON S. TIGAR
United States District Judge

United States District Court
Northern District of California